

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JULIUS C. BAILEY

120 Columbia Street

Huntington Station N.Y. 11746

NAME OF PLAINTIFF(S)

COMPLAINT

JURY TRIAL DEMANDED

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 27 2016 ★

LONG ISLAND OFFICE

v.

SUNRISE SENIOR LIVING MANAGEMENT INC.

1231 Old Country Road

Plainville New York

NAME OF DEFENDANT(S)

CV 16 7184

SEYBERT, J.

BROWN, M. J.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be
appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of
1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

120 COLUMBIA STREET HUNTINGTON STATION
Street Address
SUFFOLK, N.Y., 11746, 1-631-896-4005
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

1231 OLD COUNTRY ROAD PLAINVIEW
Street Address
SUFFOLK, PLAINVIEW, NEW YORK, 11803
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

SAME AS ABOVE
Street Address
, , ,
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes
(check only those that apply).

☐ Failure to hire.

☒ Termination of my employment.

☐ Failure to promote.

☐ Failure to accommodate my disability.

☒ Unequal terms and conditions of my employment.

☒ Retaliation

☐ Other acts (specify): _____.

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

5/20/15
Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.

☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for discrimination, for example,
what is your religion, if religious discrimination is alleged)

☐ race _____ ☐ color _____

☐ gender/sex _____ ☒ religion _____

☒ national origin _____

☐ disability _____

☐ age. If age is checked, answer the following:

I was born in 1963. At the time(s) defendant(s) discriminated against me,
Year

I was ☒ more ☐ less than 40 years old. (check one).

NOTE: *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*

8. The facts of my case are as follows:

I HAVE BEEN DISCRIMINATED AGAINST BY THE ABOVE NAMED RESPONDENT
BASED ON MY NATIONAL ORIGIN AND RELIGION. DURING THE COURSE OF
MY EMPLOYMENT WITH RESPONDENT, I MADE NUMEROUS COMPLAINTS
REGARDING THE HOSTILE WORK ENVIRONMENT CREATED BY SEVERAL
HAITIAN SERVERS, SPECIFICALLY REGARDING THEIR LACK OF RESPECT
FOR MY RELIGIOUS BELIEFS. AS A RESULT OF MY MANY COMPLAINTS,
ON AUGUST 11, 2016, I HAD A MEETING WITH PATRICE JOHNS OF HR.
JOHN HUDSON THE EXECUTIVE DIRECTOR AND RYAN MONAHAN, MY SUPERVISOR.
DURING THE MEETING, I EXPLAINED MY POSITION AND THE HOSTILE WORK

(Attach additional sheets as necessary)

"Continued"

NOTE: *As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.*

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's

alleged discriminatory conduct on: 8/11/2016.
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct on: 11/18/2016.
Date

"CONTINUED"

ENVIRONMENT CREATED BY THE HAITIAN WOMEN, AT ONE POINT DURING THE MEETING MS. JOHNS STATED " YOU ARE NOT A CHRISTIAN " , WHICH MADE ME VERY UNCOMFORTABLE, SHE THEN TOLD ME TO RETURN TO WORK. ABOUT AN HOUR LATER, RYAN INFORMED ME THAT MS. JOHNS SAID I SHOULD GO HOME AND THEY WOULD PAY ME FOR THE DAY. THE NEXT DAY I RECEIVED A CALL FROM JOHN HUDSON WHO WHO SAID PATRICE JOHNS SAID NOT TO COME BACK ON THE PROPERTY, I HAVE NOT BEEN SCHEDULED TO WORK SINCE. AT NO TIME DID ANYONE TELL ME I WAS TERMINATED OR WHY I COULDN'T RETURN TO WORK. BY SUBJECTING ME TO DISPARATE TREATMENT& HARASSMENT, RESPONDENT HAS VIOLATED TITLE vii OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED AND ALL APPLICABLE STATE & LOCAL STATUTES.

Julius C. Bailey
JULIUS C. BAILEY

4A

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have elapsed.
☒ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Right to Sue letter.
☒ has issued a Right to Sue letter, which I
received on 12/12/2016.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.

Mr. Julius C. Bailey
PLAINTIFF'S SIGNATURE

Dated: DECEMBER 23, 2016

120 COLUMBIA STREET
Address
HUNTINGTON STATION N.Y. 11746
1-631-896-5112
Phone Number



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622

Julius C. Bailey
120 Columbia Street
Huntington Station, NY 11746

Re: EEOC Charge No. 520-2016-03800
Bailey v. Sunrise Senior Living Management Inc.

Dear Mr. Bailey:


The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. The procedures apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

We have evaluated your charge based upon the information you submitted, and have determined that further investigation will unlikely result in a determination that Respondent violated one of the federal laws enforced by the Commission. Therefore, your charge will be dismissed.

Attached is your Dismissal and Notice of Rights. If you want to pursue this matter further in federal court, your lawsuit must be filed within 90 days of your receipt of the Notice.

Please contact Investigator Paul Young at (212) 336-3783 if you have any questions

Sincerely,



Kevin J. Berry
District Director

for

DEC 08 2016

Date

Enc.



**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 336-3620
TDD: 1-800-669-6820
Fax: (212) 336-3625
1-800-669-4000

Respondent: SUNRISE SENIOR LIVING MANAGEMENT INC
EEOC Charge No.: 520-2016-03800
FEPA Charge No.:

December 6, 2016

Julius C. Bailey
120 Columbia Street
Huntington Station, NY 11746

Dear Mr. Bailey:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)
- ☐ The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to New York State Division Of Human Rights Federal Contract Unit One Fordham Plaza, 4 Fl. Bronx, NY 10458 as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

The quickest and most convenient way to obtain the contact information and the status of your charge is to use EEOC's Online Charge Status System, which is available 24/7. You can access the system via this link (<https://publicportal.eeoc.gov/portal>) or by selecting the "My Charge Status" button on EEOC's Homepage (www.eeoc.gov). To sign in, enter your EEOC charge number, your zip code and the security response. An informational brochure is enclosed that provides more information about this system and its features.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

Paul Young
Investigator
(212) 336-3783

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s)

cc:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Julius C. Bailey**
120 Columbia Street
Huntington Station, NY 11746

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2016-03800

Paul Young,
Investigator

(212) 336-3783

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

DEC 08 2016

(Date Mailed)

Enclosures(s)

cc:

Patrice Johns
Director of Human Resources
SUNRISE SENIOR LIVING MANAGEMENT INC
1231 Old Country Road
Plainview, NY 11803

Thomas P. Murphy, Esq.
HUNTON & WILLIAMS LLP
1751 Pinnacle Drive, Suite 22102
Mclean, VA 22102